

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 22ND DAY OF JANUARY 2007, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Ron Bonnema	-County Engineer
	Angie Hill	-Financial & Management Services Director
	Marc Magruder	-Budget Manager
	T.C. Powers	-Planning Director
	Robert Pearsall	-GIS Manager
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- | | | |
|------------------|-----|---|
| Section 2.2-3711 | (1) | Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body |
| | | 1. Personnel |
| | | 2. Industrial Development Authority |
| | | 3. Parks & Recreation Commission |
| | (3) | Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body |
| | | 1. County Courthouse |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
Annette S. Perkins	
John A. Muffo	
Steve L. Spradlin	

OUT OF CLOSED MEETING

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Doug Marrs
Mary W. Biggs
James D. Politis
Annette S. Perkins
John A. Muffo
Gary D. Creed
Steve L. Spradlin

NAY

None

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
James D. Politis
Annette S. Perkins
John A. Muffo
Gary D. Creed
Doug Marrs
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATION

Bio-Solids

John Novak, Professor of Civil & Environmental Engineering at Virginia Tech, addressed issues surrounding the spreading of sewage sludge and related legislation.

Mr. Novak provided background information regarding land application of sewage sludge, which has been used for decades and about 60% of sludge is land applied nationwide.

The National Academy of Science issued a report dealing with land application and found no evidence of any human deaths associated with sludge use in the United States. More research is needed as there are questions that remain.

Mr. Novak provided the following information on the opposition to and in favor of land application:

Opposition to Land Application:

- Material originates from human feces and therefore is unsafe
- Chemicals that are discharged to sewers end up in the sludge and we do not know the fate of these
- Some of the land appliers are careless and apply sludge in an inappropriate manner
- The sewer sludge stinks and people should not be exposed to these odors.

In Favor of Land Application:

- All land applied sludge has been treated
- Restrictions apply to how and where the sludge can be applied and this prevents problems
- It is an ecologically sound practice because waste organic matter is being returned to the soil where it provides benefits (if sludge is not applied then commercial fertilizers will be used)
- There is no evidence of health problems caused by land application.

Mr. Novak reported there is ongoing and recently completed research in this area. There is a program to test people who report health problems due to land application of sewage sludge. There have been a number of studies on the transport of pathogens due to spreading of sludge. Lastly, there are studies underway to determine the fate of trace chemicals in land applied sludge.

Mr. Novak stated in his opinion sludge is highly regulated and if those applying the sludge are responsible, it is unlikely that problems will occur. It is a sound ecological practice and beneficial to the soil.

It seems there are two issues on the land application of sewer sludge for the Board of Supervisors; 1) Nuisance conditions, primarily from odors; and 2) Poor land application practice. Mr. Novak suggested that the locality encourage more frequent inspections, which should be done by the Department of Environmental Quality (DEQ) and possibly set up a procedure to respond to odor complaints.

Mr. Novak stated a ban on land application is not reasonable or desirable in his opinion.

Supervisor Creed expressed his concerns with the spreading of bio-solids and asked how the land application would harm animals such as deer and turkey who graze on the land. Also, how will it affect humans who slaughter these animals for food? Mr. Novak answered that the process of the bio-solids kills human pathogens, therefore it should eliminate all risk.

Another concern Supervisor Creed has is with the transporting of bio-solids from one state to another. The local governing bodies should have some control over where the bio-solids come from.

Supervisor Biggs expressed concerns with the regulation and inspections of the program. She asked who regulates the program and how often should inspections occur? Mr. Novak answered there is an inspection problem and believes this is the real issue concerning bio-solids.

According to the County Attorney, the land application and the distribution of sewage sludge are regulated by the Commonwealth of Virginia. The sewage sludge is required to be treated to meet standards for land application as required by the State Board of Health. In 2001, the Virginia Supreme Court ruled that local governments may not ban the application of sludge. Numerous bills have been introduced in the 2007 General Assembly amending the current law regulating sludge. None of these bills grant local governing bodies the authority to ban the land application of sludge. One of the proposed changes has DEQ taking over the program from the State Department of Health. Another proposed change grants localities, as part of their zoning ordinance, to designate or reasonably restrict the land application of sewage sludge to specific areas or parcels within the locality based on criteria directly related to the public health, safety and welfare of its citizens and the environment. Montgomery County currently requires a special use permit for anyone who desires to have sludge applied to their land.

AUDIT PRESENTATION

John Aldridge, Brown, Edwards & Company, LLC, presented Montgomery County's Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2006. Mr. Aldridge explained how their firm looked at the County's financial controls in place and tested those controls.

PUBLIC HEARINGS

Rezoning Request and Special Use Permit – Mazie C. Wimmer

Mazie C. Wimmer (Agent: Carl Wimmer) requests to rezone approximately 1.0 acre from Agriculture (A-1) to Residential (R-3), with possible proffered conditions, to allow the subdivision of the lot and a special use permit to allow the placement of a manufactured home. The property is located on the east side of Jones Street, approximately one hundred feet (100') north of South Franklin St at the Christiansburg Corporate limits and is identified as Tax Parcel No. 107- A 71 (Acct # 021090) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Planning Director provided a brief summary of the above request. Ms. Wimmer is requesting to rezone 1 acre from Agriculture to Residential (R-3) to allow the subdivision of the lot and a special use permit to allow the future replacement of an existing manufactured home. The lot will be subdivided so they can have one single-family dwelling on each lot. This rezoning should not have any impact on the surrounding land uses. No change to the existing conditions is proposed.

At their January 17, 2007 meeting, the Planning Commission recommended approval of the request.

There being no speakers, the public hearing was closed.

Rezoning Request – Stuart E. White and Chad and Lisa Vaught - CONTINUED TO FEBRUARY 26, 2007

Stuart E. White and Chad and Lisa Vaught (Agent: Balzer and Associates) request to rezone approximately 17.6 acres from Residential (R-2) and Agriculture (A-1) to Residential Multi-Family (RM-1), with possible proffered conditions, to allow seventy (70) townhomes for single-family attached residential use. The property is located on the north side of Peppers Ferry Road (Rte. 114), across from Belview Elementary School and is identified as Tax Parcel Nos. 64- A 42, 64- A 41E, and 64A-42A (Acct # 017168, 026241, and 026238) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated partially as Village Core and remainder as Village Expansion in the Comprehensive Plan.

The Planning Director reported the Planning Commission tabled this request at their January 17, 2007 meeting and recommended that this public hearing be continued to the Board of Supervisors February 26, 2007 meeting.

The Chair announced that since the public hearing was advertised any citizen that have signed up to speak could do so.

Valerie Brunk expressed concerns with what will happen to the residents of the mobile home park if this rezoning is approved.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

Shireen Parsons commented on bio-solids and requested that the Board allow a citizens' presentation on bio-solids.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated January 22, 2007 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Steve L. Spradlin	

R-FY-07-112 REQUEST STREET NAME RUE MAISON BELIVEAU

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, There are three property owners on a private road located off Gallion Ridge Road (SR 630) who have petitioned the county to name this road Rue Maison Beliveau; and

WHEREAS, Rue Maison Beliveau complies with the County Street Name Policy; and

WHEREAS, Since the request is citizen initiated, the property owners are responsible for the cost of street signs and mapping changes per the County's Street Naming Policy.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that after duly considering said request, the Board hereby approves the use of the name Rue Maison Beliveau.

NEW BUSINESS

A-FY-07-79 PARKS AND RECREATION CHANGE SCOPE OF CIP PROJECTS

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Montgomery County Board of Supervisors re-appropriated \$77,572 in unspent funds in the County Capital Projects Fund for three separate project accounts: Mid-County Park (\$13,710), Plum Creek Park (\$60,780), and Shawsville Ballfield Project (\$3,082); and

WHEREAS, The Parks and Recreation Division, with the approval of the Parks and Recreation Commission on December 7, 2006, requests these remaining funds be redirected into a single Park Revitalization Project account; and

WHEREAS, The consolidation of these funds will enable the resources to be used for facilities with the greatest needs.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia does hereby change the scope of funding in the Mid-County Park, Plum Creek Park, and Shawsville Ballfield County Capital Projects accounts and consolidates these funds into one Parks Revitalization project.

BE IT FURTHER RESOLVED, That a transfer of appropriation within the County Capital Projects Fund is hereby authorized, as follows:

FROM:

12 7003 MD	Mid County Park Project	(\$13,710)
12 7003 PC	Plum Creek Project	(\$60,780)
12 7003 SV	Shawsville Ballfield Project	<u>(\$ 3,082)</u>
	Total	(\$77,572)

TO:

12 7003 PR	Parks Revitalization Project	\$77,572
------------	------------------------------	----------

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
Steve L. Spradlin	

**R-FY-07-113
RESOLUTION APPROVING CHANGES
TO THE PARKS AND RECREATION COMMISSION
BY-LAWS**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the amended Parks and Recreation Commission by-laws as follows:

Proposed Parks & Recreation Commission By-Laws

ARTICLE 3 – Membership

Section 2

The Commission shall be appointed by the Board of Supervisors according to the following schedule:

1. One (1) member from each of the election districts in the County.
2. Two (2) members at large from Montgomery County.
3. ***An ex-officio, non-voting liaison shall be appointed from the Board of Supervisors and the Planning Commission.***

The Director of Parks & Recreation shall serve as a non-voting, ex-officio member to the Commission.

Section 4

Three consecutive absences constitutes a resignation except in case of sickness or emergency with notification within ~~five (5)~~ **three (3)** days of the meeting.

Section 6

Commission members may be compensated as the governing body so directs. ***Any excess funds set aside for compensation at the end of the fiscal year shall be donated to the Let the Kids Play Scholarship Fund.*** Members shall be reimbursed for travel and subsistence to

professional recreation meetings, conferences, and workshops and such reimbursement being made in compliance with the general policies of Montgomery County.

ARTICLE 4 – Officers

Section 1

The officers of the Commission shall be a Chairman, *and* a Vice-Chairman, ~~Secretary, and a Treasurer.~~ The Officers shall be elected at the organization meeting in January to serve for one year or until a successor shall be elected.

ARTICLE 5 – Meetings

Section 1

Regular meetings shall be held at least once each month during the year. ~~The meeting dates will be established at the organization meeting in January.~~ *The first regular meeting in January of each year shall be called the organizational meeting. The purpose of this meeting shall be the election of officers, scheduling meeting dates, and any other such business that may need to be addressed at that time.*

Section 5

~~The first regular meeting in January of each year shall be called the organizational meeting. The purpose of this meeting shall be the election of officers, and other business that may need to come before such meeting.~~

Section 6

~~Five (5)~~ *A simple majority of active voting Commission* members shall constitute a quorum at any regular or special meeting.

ARTICLE 6 – Duties and Responsibilities of the Commission

Section 1

The Parks and Recreation Commission serves in an advisory capacity to the Montgomery County Board of Supervisors. The Commission shall review recreational programs and facility offerings and make recommendations on parks and recreation issues as deemed necessary. Official recommendations from the Commission are to be passed through the Board of Supervisors Liaison of the Commission. The Liaison(s) shall present recommendations and resolutions to The Board of Supervisors *and are non-voting members of the Commission.*

ARTICLE 7

Section 2

Chairman's Duties. The Chairman shall preside at all meetings, appoint committees *as needed*, call special meetings when deemed advisable, and perform all such duties as usually handled by a chairman except when such duties are properly delegated.

Section 3

Vice-Chairman's Duties. The Vice-Chairman of the Commission in the absence of the Chairman shall perform all the duties of the Chairman. In the absence of both the Chairman and the Vice-Chairman, the ~~duties of the~~ Commission shall elect a Chairman Pro Tempore who shall perform the duties of the ~~President~~ *Chairman*. The Vice-Chairman shall be charged with the responsibility to see that all standing and ~~temporary~~ *temporarily appointed as needed* committees function as planned by the Commission.

Section 4

Secretary's Duties. ~~The Secretary shall perform the usual duties pertaining to the office. The Secretary shall keep or cause to be kept a full and true permanent record of all meetings of the Commission. This includes regular and special meetings plus reports of standing committees and shall be the custodian of all documents committed to his care. The Secretary shall issue or cause to be issued notices of regular and special meetings. Also, the Secretary must insure minutes of the previous meeting to the Commission members prior to all meetings.~~

ARTICLE 8

Section 1

Amendments. These by-laws may be amended at any regular meeting of the Commission by a majority vote of ~~the entire~~ *active, voting Commission Commissioners*, provided previous notice of the nature of any proposed amendment shall have been given at least one regular meeting before the action thereon shall be taken.

Any amendments to the by-laws must also have the approval of the Board of Supervisors.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
Steve L. Spradlin	

INTO WORK SESSION

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Budget Update
2. User Fee Analysis

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Steve L. Spradlin	

OUT OF WORK SESSION

On a motion by Annette S. Perkins, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Steve L. Spradlin	

COUNTY ATTORNEY'S REPORT

Citizens Telephone Cooperative – Public Utility Easement Across the Huckleberry Trail

The County Attorney reported that representatives from Citizens Telephone Cooperative called and asked permission to cross the Huckleberry Trail in order to begin work. A public hearing is scheduled for February 12th on their request for a public utility easement across the Huckleberry Trail. Citizens Telephone is asking written permission to cross the county property in order to begin their work. The County Attorney explained that the Board would not be granting the easement, just permission to begin work.

The Board discussed this request and Chair Spradlin commented that the Board does not feel comfortable granting permission until they have held the public hearing.

COUNTY ADMINISTRATOR'S REPORT

Gypsy Moth Suppression Program The County Administrator received information from Barry Robinson, Extension Office, regarding the Gypsy Moth Suppression Program. The Extension Office finished the gypsy moth inspection in Montgomery County. A 60 acre tract in the Poverty Creek area in Montgomery County is the only area that has been diagnosed with gypsy moth. Another 16 acre tract has also been diagnosed but located in the US National Forest boundaries. Montgomery County will be responsible for the cost of paying the state for spraying the infected area, which is at around \$2,000.

The Board can choose to participate this year or could do another egg mass scouting next fall to determine if there are more areas in the County to be included in the program.

The County Administrator recommended the Board wait until next fall in order to do another assessment in Montgomery County.

BOARD MEMBERS' REPORTS

Supervisor Marrs reported that the Village Plan for the Belview Community is underway. He and Meghan Dorsett, Planning Department, toured the Belview area last week to develop a plan of action for community surveys and meetings.

Supervisor Biggs **Montgomery-Floyd Regional Library Board Meeting:** The Library Board extended the Library Director's contract for one year. They also discussed the future of the Bookmobile. Supervisor Biggs thanked the County Administrator for providing the Library System with a county vehicle for their use.

School Board Meeting: The School Board is still holding budget meetings for FY 2007-2008 and will meet on January 23, 2007 to discuss possible cuts in their proposed budget.

Bio-Solids: Supervisor Biggs asked County staff to provide the Board with a list of properties in Montgomery County that is used for the application of bio-solids.

Supervisor Perkins commented on the land application of sewer sludge in Montgomery County. She believes that it would be wise to hear from the citizens regarding this issue. The EPA and DEQ do set requirements on the process of sewer sludge and knows that the Peppers Ferry Wastewater Treatment Authority disposes of some sludge in the landfill because of the amount of toxins in the sludge.

Supervisor Muffo reported that the Six-Mile Loop Trail Committee has applied for a grant for funding to get a web site connected on the proposed loop trail.

Supervisor Creed commented on Bio-solids. He would support a resolution or ordinance that limits the application of sewer sludge generated from Montgomery County only. He does not support sludge from out of state providers coming into Montgomery County.

YMCA in Shawsville Supervisor Creed reported that the YMCA center has opened. They are located in the Meadowbrook Community Center (Meadowbrook Library).

Supervisor Spradlin reported a community meeting on Big Vein Road will be held on Tuesday, January 26, 2007. Big Vein Road is priority #1 on the County's Rural Addition List.

Citizens Request to Address the Board Supervisor Spradlin commented on the citizen's request to make a presentation to the Board. He stated the Board needs direction on this and asked staff to review and add to the Board's next agenda.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by John A. Muffo and carried unanimously, the Board adjourned to Monday, February 12, 2007 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Steve L. Spradlin	

The meeting adjourned at 10:30 p.m.

APPROVED: _____	ATTEST: _____
Steve L. Spradlin Chair	B. Clayton Goodman, III County Administrator